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MONTANA LEGISLATIVE HISTORY

Chapter 300 19 89

Bill H 201 S _____ Original bill & history ____C

H. Committee on	~~Local Government~~ Judiciary		S. Committee on	Local Government	
Hearing Date(s)	Jan 20	✓ C	Hearing Date(s)	Feb 16	✓ C
		____C			____C
		____C			____C
		____C			____C
Date Out	Jan 30	✓ C		Feb 17	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE FINAL STATUS

CHAPTER NUMBER 692
EFFECTIVE DATE: 05/19/89 (S1-5, 17)
EFFECTIVE DATE: 07/01/89 (S13)
EFFECTIVE DATE: 10/01/89 (S6-12, 14-16, 18)

HB 201 INTRODUCED BY SPAETH, ET AL.
ALLOW JUSTICE OF THE PEACE OR OTHER CITY JUDGE TO BE APPOINTED CITY JUDGE OF TOWN OR THIRD-CLASS CITY

1/16	INTRODUCED		
1/17	REFERRED TO LOCAL GOVERNMENT		
1/17	REREFERRED TO JUDICIARY		
1/27	HEARING		
1/30	COMMITTEE REPORT--BILL PASSED		
2/01	2ND READING PASSED AS AMENDED	99	0
2/03	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/04	REFERRED TO LOCAL GOVERNMENT		
2/16	HEARING		
3/01	COMMITTEE REPORT--BILL CONCURRED		
3/07	2ND READING CONCURRED	50	0
3/09	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/21	SIGNED BY PRESIDENT		
3/22	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 300 EFFECTIVE DATE: 10/01/89		

HB 202 INTRODUCED BY PAVLOVICH
INCREASE CIGARETTE TAX TO PROVIDE FUNDS FOR VETERANS' HOME STUDIES

1/16	INTRODUCED		
1/17	REFERRED TO TAXATION		
1/17	FISCAL NOTE REQUESTED		
1/23	FISCAL NOTE RECEIVED		
1/24	FISCAL NOTE PRINTED		
3/16	HEARING		
3/20	TABLED IN COMMITTEE		
3/21	TAKEN FROM COMMITTEE	61	34
3/29	2ND READING PASSED AS AMENDED	56	36
3/30	3RD READING PASSED	65	32
	TRANSMITTED TO SENATE		
3/31	REFERRED TO TAXATION		
4/07	HEARING		
4/11	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
4/13	2ND READING CONCUR AS AMENDED	23	23
	MOTION FAILED	23	23
4/14	2ND READING CONCURRED AS AMENDED	24	22
4/17	3RD READING CONCURRED	26	24
	RETURNED TO HOUSE WITH AMENDMENTS		
4/19	2ND READING AMENDMENTS CONCURRED	59	35
4/20	3RD READING AMENDMENTS CONCURRED	60	34

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on January 27, 1989, at 8:04 a.m.

ROLL CALL

Members Present: All members were present with the following exception:

Members Excused: Rep. Mary McDonough

Members Absent: None.

Staff Present: Julie Emge, Secretary
John MacMaster, Legislative Council

Announcements/Discussion: Rep. Brown distributed a letter to the Committee from Gordon Morris expressing his disappointment regarding the action taken on HB 98 (EXHIBIT 1).

HEARING ON HOUSE BILL 201

Presentation and Opening Statement by Sponsor: Rep. Spaeth, House District 84 stated that the main reason HB 201 is being proposed is to implement the residency requirement of judges particularly in cities and small towns. This bill eliminates the residency requirement of city judges in third class towns, and allows the town to enter into an agreement with the county for the services of a J.P. or with another city. The way the bill is presently written, the town can enter into an agreement with the county or another city. The town of Boulder has entered directly into an agreement with the Justice of the Peace involved, and there is a proposed amendment that will allow that action to continue. Rep. Spaeth stated that he is in full support of this amendment.

List of Testifying Proponents and What Group They Represent:

Alec Hansen, Mont. League of Cities and Towns
Wally Jewell, Mont. Magistrates Association

List of Testifying Opponents and What Group They Represent:

None.

Testimony:

Alec Hansen, in favor of HB 201 stated that the purpose of this bill is simply to save money. Many of the small towns in Montana cannot afford the expense of having their own judge. By combining with other towns or by using a Justice of the Peace, they will save salaries, training expenses and other costs. Under this law it makes it possible for the small towns of Montana to afford a judge. The proposed amendment (EXHIBIT 2) would simply make it possible for a town or third class city to contract with the judge, rather than going through another city, town, or county. The reason for this amendment is because the town of Boulder has been contracting directly with the judge. If they are not allowed to continue to do that, the judge will not receive the additional money that he is getting from Boulder and will not continue to serve as J.P. for Jefferson County or for Boulder's judge. Mr. Hansen urged the committee to approve the amendment and give considerable thought to the passing of HB 201.

Wally Jewell presented to the committee a written statement (EXHIBIT 3) as well as expressed his approval of the proposed amendments.

Questions From Committee Members: None.

Closing by Sponsor: Rep. Spaeth closed.

DISPOSITION OF HOUSE BILL 201

Motion: None.

Discussion: None.

Amendments and Votes: None.

Recommendation and Vote: No action taken. Close the hearing on HB 201.

HEARING ON HOUSE BILL 185

Presentation and Opening Statement by Sponsor: Rep. Whalen, House District 93 stated that the basic purpose of HB 185 is to change the present practice of individuals being picked up that require mental health care. This

mental health training, pass a written evaluation and that they are certified by the Department. It is the person under the existing law that evaluates both adult and children and makes a recommendation to the court regarding whether the person is mentally ill or seriously mentally ill.

Closing by Sponsor: Rep. Addy closed.

DISPOSITION OF HOUSE BILL 197

Motion: None.

Discussion: None.

Amendments and Votes: None.

Recommendation and Vote: No action taken.

DISPOSITION OF HOUSE BILL 201

Motion: Rep. Addy made a DO PASS motion, seconded by Rep. Aafedt.

Discussion: None.

Amendments and Votes: None.

Recommendation and Vote: A vote was taken on the DO PASS motion and CARRIED unanimously.

ADJOURNMENT

Adjournment At: 10:05 a.m.

REP. DAVE BROWN, Chairman

DB/je

2308.MIN

DAILY ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date JAN. 27, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH			X
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

CS-30

STANDING COMMITTEE REPORT

January 30, 1989

Mr. Speaker: We, the committee on Judiciary report that House Bill 201 (first reading copy -- white) do pass .

Signed: _____
Dave Brown, Chairman

EXHIBIT 2
DATE Jan. 27, 1989
HB 201-Rep. Spaeth

Amends House Bill 201

Line 13 Page 2
After with: insert the judge or

EXHIBIT 3
DATE Jan. 27, 198
HB 201-Rep. Spaet

WITNESS STATEMENT

NAME WALLY JEWELL BILL NO. HB201

ADDRESS 520 TAMARACK, HELENA

WHOM DO YOU REPRESENT? MT. MAGISTRATES ASSOC.

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

HB 201 WOULD FACILITATE THE ADMIN. OF JUSTICE IN THAT IT WOULD ALLOW SOME OF MONTANA'S SMALLER MORE RURAL COMMUNITIES TO BE ABLE TO AFFORD A JUDGE, EVEN IF THAT JUDGE MIGHT ONLY SERVE PART TIME. THIS MEASURE WOULD ALSO SAVE THESE MORE RURAL AREAS MONEY IN THAT THEY COULD CONTRACT FOR A PART TIME JUDGE.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34
Rev. 1985

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. HOUSE BILL 201 DATE JAN. 27, 1989

SPONSOR REP. GARY SPAETH

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
WALLY JEWELL	MT. MAG. ASSOC.	X	
ALEC HANSEN	MLCT	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Senator Walker if they could put in the date of July 1. Representative Roth stated that would be fine.

Closing by Sponsor: Representative Roth closed the hearing on HB 183.

DISPOSITION OF HOUSE BILL 183

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 201

Presentation and Opening Statement by Sponsor:
Representative Gary Spaeth, house district 4, stated HB 201 provides that a city judge must be a resident of the county in which the city or town is located. The bill, also, says a city can enter into an agreement with a judge from another city or town. He says in a rural area it makes sense to share a judge or a justice of the peace between communities. The training requirements and other types of book requirement costs can be reduced by 1/2. He mentioned 3 towns that share 1 judge and that gives her a full time position. For these reasons I ask you to pass HB 201.

List of Testifying Proponents and What Group they Represent:

Wally Jewell, MT. Mag. Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Wally Jewell stated the Montana magistrates support this bill

Questions From Committee Members: Senator Pinsoneault asked about the residency requirement. Representative Spaeth stated the only requirement is that they reside in the county in which they serve, and they can be a city judge. This allows J.Ps. to be city judges.

Closing by Sponsor: Representative Spaeth closed the

hearing.

DISPOSITION OF HOUSE BILL 201

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Hammond MOVED that we DO CONCUR in HB 201. The VOTE was UNANIMOUS in FAVOR of this MOTION.

HEARING ON HOUSE BILL 237

Presentation and Opening Statement by Sponsor:

Representative Richard Nelson, house district 6, Flathead Valley, stated HB 237 is brought before this committee at the request of the Montana School Boards Association. It allows school districts to publish notice of the preliminary budget in the newspaper that the trustees of the district determine to have the widest circulation in the district. He called attention to page 1, lines 15 and 16 the words "LOCAL OR COUNTY" and this was to allow them to choose local or weekly paper instead of a daily paper. Presently, school districts must publish notice of preliminary budget in the designated "county paper". This is not without precedence as there are 2 other sections in the statutes that allows for publishing in the local paper with the widest circulation for contracts and for notice of school elections. I ask your favorable consideration.

List of Testifying Proponents and What Group they Represent:

Richard Moe, Boulder Public School Superintendent
Bruce W. Moerer, Montana School Board Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Bruce Moerer stated this bill gives some consistency with other notification requirements; Section 20-9-204 and Section 20-20-204 on election notices and it also allows trustees to publish in a paper that will be read by the people in their school district.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989 Date 2-16-89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Ethel Harding	X		
Sen. R.J. "Dick" Pinsoneault	X		
Sen. Tom Beck	X		
Sen. Eleanor Vaughn	X		
Sen. H.W. "Swede" Hammond	X		
Sen. Mike Walker	X		
Sen. Gene Thayer	X		
Sen. Paul Boylan	X		
Sen. Bruce D. Crippen			

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 17, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 201 (third reading copy -- blue), respectfully report that HB 201 be concurred in.

Sponsor: Spaeth ("Doc McLane")

BE CONCURRED IN

Signed: Ethel H. Harding

Ethel H. Harding, Chairman

H.C. 2/23/89 3:16 p.m.

scrhb201.217

HB 201
2/16/89

Montana Magistrates Association

16 February 1989

Testimony offered in support of HB201, a bill for an act entitled: "An act providing that a city judge must be a resident of the county in which the city or town is located; establishing the requirements for appointment of city judges in a town or third-class city; authorizing the appointment of a justice of the peace or the city judge of another city or town who resides in the same county as city judge."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The Montana Magistrates Association urges you to give this legislation a do pass recommendation. There are counties in the state where it is not economically feasible to have a different city judge in each town or in several towns in the county. Under this proposal a justice of the peace or a city judge from another town or city in the county could be appointed to be the city judge. It would save the lesser populated counties money if they opted for this provision.

We also support the amendment made in the House that allows for the governmental entity to contract directly with the judge. We feel this clarifies the possible contractual obligations and makes this better legislation.

We hope you concur with the House and give this bill a do pass recommendation.

Wallace A. Jewell

DATE February 16, 198

COMMITTEE ON Local Government

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One Support	Check One Oppos
John Den Herder	Dept of MT DAV			
WALLY JEWELL	MT. MUN. ASSOC.	201	X	
Terry Teichrow	OPI	JR 5	X	
STANLEY M. SCHILLING	MT Army National Guard	JR 5	X	
Chuck O'Reilly	MT Sheriffs & Peace Officers	SB 413	X	
Gillis Hertz	Missoula County Sheriff	SB 413	X	
Mike Schafer	Yellowstone C.S.O. MSPOA	"	X	
AT WALSH	Flathead Co. S.O. MSPOA	SB 413	X	
John Connor	Dept of Justice MT County Atys Assn	SB 413	X	
Fred Van Valkenburg	Senator Dist 30	SB 413	X	
Valerie Larson	Farm Bureau Chairman	JR 5	X	
Richard Moe	Boulder Public Schools.	HB 237	X	
Bruce W. Moerer	MSBA	HB 237	X	

(Please leave prepared statement with Secretary)